



**INVENTORSHIP DECLARATION BY JOINT INVENTORS**

I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are stated next to my name in PART A on hereof.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**PLANT SELECTABLE MARKER AND PLANT TRANSFORMATION METHOD**

the specification of which:

- ☐ is attached hereto.
- ☒ was filed on August 17, 2001 as Application Serial No. 09/932,328.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed in PART B hereof and have also identified in PART B on hereof any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

I hereby claim the benefit under Title 35, United States Code §119(e) and §120, of any United States application(s) listed in PART C hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and any national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all telephone calls to Peter J. Dehlinger at (650) 838-4401. Address all correspondence to:

Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, CA 94026  
Tel: (650) 838-4300

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Atto v Docket No. 50665-6009.US01

INVENTORSHIP DECLARATION BY JOINT INVENTORSPART A: INVENTOR INFORMATION AND SIGNATUREFull name of FIRST inventor: Raymond L. RodriguezCitizenship: U.S.A.Post Office Address: 3017 Anza AvenueDavis, CA 95616Residence (if different): SameInventor's Signature: Raymond L. RodriguezDate: 4/4/02Full name of SECOND inventor: Ning HuangCitizenship: ChinaPost Office Address: 1226 Caricia DriveDavis, CA 95616Residence (if different): Same

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

PART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a-d)CountryApp. No.Filing DatePART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION UNDER 35 U.S.C. §119(e) AND 120

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
09/344,439	06/25/99	<input checked="" type="checkbox"/> Allowed
60/090,896	06/25/98	<input checked="" type="checkbox"/> Abandoned

**INVENTORSHIP DECLARATION BY JOINT INVENTORS**

**PART A: INVENTOR INFORMATION AND SIGNATURE**

Full name of FIRST inventor: Raymond L. Rodriguez

Citizenship: U.S.A. Post Office Address: 3017 Anza Avenue  
Davis, CA 95616

Residence (if different): \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of SECOND inventor: Ning Huang

Citizenship: China Post Office Address: 1226 Caricia Drive  
Davis, CA 95616

Residence (if different): \_\_\_\_\_

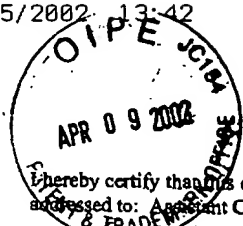
Inventor's Signature:  Date: Nov. 7, 2001

**PART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a-d)**

<u>Country</u>	<u>App. No.</u>	<u>Filing Date</u>
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**PART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION UNDER 35 U.S.C. §119(e) AND 120**

<u>Serial No.</u>	<u>Filing Date</u>		<u>Status</u>
09/344,438	06/25/99	<input checked="" type="checkbox"/>	Allowed
60/090,896	06/25/98	<input checked="" type="checkbox"/>	Abandoned



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box Sequence, P. O. Box 2327, Arlington, VA 22202, on:

Date:

April 5, 2002

By:

Lynnea Anderson

Docket No. 50665.8009.US01

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Rodriguez and Huang  
SERIAL No.: 09/932,328  
FILED: August 17, 2001  
FOR: **PLANT SELECTABLE MARKER AND PLANT  
TRANSFORMATION METHOD**

EXAMINER: Unknown  
ART UNIT: 1638  
CONFIRMATION No. 4810

**Power of Attorney by Assignee and Certification**  
**Under 37 CFR 3.73(b)**

Box Sequence  
Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
P. O. Box 2327  
Arlington, VA 22202

Sir:

I, the undersigned, acting on behalf of the Assignee of the entire right, title and interest in the above-identified patent application, appoint the attorneys and agents listed below to prosecute this application and transact all business with the U.S. Patent and Trademark Office in connection therewith. This appointment is to the exclusion of the inventor(s) and their attorney(s) and agent(s) in accordance with the provisions of 37 CFR 3.71.

All prior powers of attorney for this application are hereby revoked. The Assignee hereby appoints JERRY A. RIEDINGER, Registration No. 30,582; MAURICE J. PIRIO, Registration No. 33,273; MICHAEL D. BROADDUS, Registration No. 41,637; CATHERINE HONG TRAN, Registration No. 43,960; ROBERT G. WOOLSTON, Registration No. 37,263; PAUL T. PARKER, Registration No. 38,264; JOHN M. WECHKIN, Registration No. 42,216; CHRISTOPHER DALEY-WATSON, Registration No. 34,807; STEVEN D. LAWRENZ, Registration No. 37,376; JAMES A.D. WHITE, Registration No. 43,985; EDWARD S. HOTCHKISS, Registration No. 33,904; JAMES NICKELSON, Registration No. 46,140; MARK A. THOMAS, Registration No. 37,953; BRETON A. BOCCHIERI, Registration No. 31,739;

Serial No. 09/932,328

Attorney Docket No. 50665.8009.US01

BARBARA B. COURTNEY, Registration No. 42,442; PETER J. DEHLINGER, Registration No. 28,006; LEEANN GORTHEY, Registration No. 37,337; RICHARD L. GREGORY, JR., Registration No. 42,607; MICHAEL C. MARTENSEN, Registration No. 46,901; JUDY M. MOHR, Registration No. 38,563; LARRY W. THROWER, Registration No. 47,994; and JACQUELINE F. MAHONEY, Registration No. 48,390; all affiliated with Perkins Coie LLP.

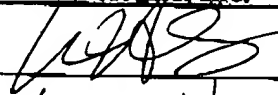
Direct all telephone calls to Peter J. Dehlinger at (650) 838-4401. Address all correspondence to:

Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, CA 94026  
Telephone: (650) 838-4300  
Customer No. 22918

In accordance with 37 CFR 3.73(b), I hereby certify that I am empowered to act on behalf of the Assignee. To the best of my knowledge and belief, title is in the Assignee, as evidenced by the Assignment noted above.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, USC/1001 and that such willful false statements may jeopardize the validity of the this application or any patent resulting therefrom.

ASSIGNEE: Applied Phytologies, Inc.

Signature : 

Typed Name: Ning Huang

Title: Vice President of Res & Develop

Date: 4/5/02

Address: 4110 North Freeway Boulevard  
Sacramento, CA 95834